

IC 8-1.5-2

Chapter 2. Transfer, Acquisition, and Improvement of Utilities by Municipalities

IC 8-1.5-2-1

Application of chapter; exception

Sec. 1. This chapter applies to all municipalities except consolidated cities.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-2

Application of chapter; additional exceptions

Sec. 2. (a) This chapter does not apply to utilities governed by IC 8-1-13 or IC 8-1-2 except for a municipally owned utility.

(b) The law relating to acquisition of electric utility property and to electricity suppliers' service area assignments shall be governed by IC 8-1-2.3 and IC 8-1-2-95.1, and nothing in this chapter modifies or abridges those provisions.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-3

Disposition, construction, and acquisition of utilities; lease and operation of waterworks facilities

Sec. 3. (a) Subject to restrictions imposed by a bond ordinance, resolution, indenture, contract under IC 8-1-2.2, or similar instrument binding upon it, a municipality may sell or otherwise dispose of any of its municipally owned utilities under this chapter.

(b) A municipality may own, lease, acquire, or construct a utility within the corporate boundaries of the municipality, and within a radius of six (6) miles from those boundaries or any place within the county in which the municipality is located, under this chapter without the consent of any agency other than the municipal legislative body. Waterworks facilities may be leased from a public utility and operated in conjunction with its municipal waterworks, whether or not the leased facilities are located within the corporate boundaries of the municipality, if the area served by the leased facilities outside those boundaries is contiguous to, or within one (1) mile of, those boundaries. For purposes of IC 36-4-3, a municipality that leases and operates waterworks serving such an area is considered to be furnishing water service to the area.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-4

Sale of nonsurplus property; ordinance or resolution providing for appraisal

Sec. 4. Whenever the municipal legislative body determines to sell or otherwise dispose of nonsurplus municipally owned utility property, it shall by ordinance or resolution, by a two-thirds (2/3) vote, provide for:

- (1) the appointment of three (3) appraisers;

- (2) the appraisal of the property; and
 - (3) the time that the appraisal is due.
- As added by Acts 1982, P.L.74, SEC.1.*

IC 8-1.5-2-5

Sale of nonsurplus property; appraisal; notice and hearing; submission to voters

Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

- (1) by education and experience, have such expert and technical knowledge and qualifications as to make a proper appraisal and valuation of the property of the type and nature involved in the sale;
 - (2) be a disinterested person; and
 - (3) not be a resident or taxpayer of the municipality.
- (b) The appraisers shall:
- (1) be sworn to make a just and true valuation of the property; and
 - (2) return their appraisal, in writing, to the municipal legislative body within the time fixed by the resolution appointing them.
- (c) If all three (3) appraisers cannot agree as to the appraised value, the appraisal, when signed by two (2) of the appraisers, constitutes a good and valid appraisal.
- (d) Not later than fifteen (15) days after the return of the appraisal by the appraisers to the legislative body, the notice of a hearing on an ordinance providing for sale or disposition of the property and the total valuation of the property as fixed by the appraisement shall be published in the manner prescribed by IC 5-3-1.
- (e) The hearing on the ordinance providing for sale or disposition may not be held for thirty (30) days after notice is given as required by subsection (d).
- (f) If, within this thirty (30) day period, at least the number of the registered voters of the municipality required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign and present a petition to the legislative body opposing the sale, the legislative body shall submit the question as to whether the sale shall be made to the voters of the municipality at a special or general election. In submitting the public question to the voters, the legislative body shall certify the question to the county election board of the county containing the greatest percentage of population of the municipality under IC 3-10-9-3. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale shall be made to the voters of the municipality at a special or general election on a date specified by the municipal legislative body.
- (g) If a majority of the voters voting on the question vote for the sale, the legislative body shall proceed to sell the property as provided in the ordinance.
- (h) If a majority of the voters voting on the question vote against the sale, the sale may not be made.
- (i) If, after the expiration of thirty (30) days as provided in subsection (e), a petition is not filed, the municipal legislative body shall proceed to sell the property as provided in the ordinance.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.12-1995, SEC.99; P.L.3-1997, SEC.425; P.L.2-1998, SEC.34.

IC 8-1.5-2-6

Sale of nonsurplus property; ordinance; terms; bid submitted by trust

Sec. 6. (a) After the hearing required by section 5 of this chapter and before any election that may be required by that section, the municipal legislative body may adopt an ordinance providing for:

- (1) the sale or disposition of the municipally owned utility property;
- (2) the manner of the sale;
- (3) the price, terms, and conditions of the sale, which must be consistent with any contractual obligations previously incurred under IC 8-1-2.2; and
- (4) the officer or officers who are to execute the proper documents conveying title on behalf of the municipality.

(b) The property may not be sold for less than its full appraised value, as set forth in the appraisal, less the amount of any bonds, liens, or other indebtedness due upon the property, and only in accordance with contractual obligations incurred under IC 8-1-2.2. The indebtedness shall either:

- (1) be paid in accordance with the terms and conditions of the instruments governing the indebtedness before the sale; or
- (2) be assumed and paid by the purchaser as part of the purchase price of the property.

(c) This subsection applies if a municipal legislative body adopts an ordinance for the sale or disposition of municipally owned utility real property by acceptance of bids. A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (1) beneficiary of the trust; and
- (2) settlor empowered to revoke or modify the trust.

(d) The proceeds of any sale under this chapter shall be paid into the treasury of the municipality making the sale and become part of the general fund.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.104-1983, SEC.1; P.L.336-1989(ss), SEC.18.

IC 8-1.5-2-7

Public convenience and necessity; declaratory resolution

Sec. 7. (a) A certificate of public convenience and necessity is not required as a condition precedent to the owning, leasing, acquisition, construction, or operation of a utility by a municipality, even if there is a public utility engaged in a similar service. The acquisition of electric utility property and assignment of a municipal electric utility's service area are, however, subject to the provisions of IC 8-1-2.3 and IC 8-1-2-95.1.

(b) A municipality that wants to own and operate a utility where there is a public utility engaged in a similar service:

- (1) under a franchise granted by the municipality; or
- (2) under an indeterminate permit as defined in IC 8-1-2-1;

may, after a hearing as provided by section 10 of this chapter and an election as provided by section 16 of this chapter, declare by ordinance that public convenience and necessity require the establishment of a municipally owned utility.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-8

Preliminary expenses; appropriation

Sec. 8. Before a municipal legislative body:

(1) proposes to construct or acquire a utility; and

(2) makes a determination as to public convenience and necessity; it may appropriate out of its general fund an amount not exceeding five percent (5%) of the total estimated cost of constructing or acquiring the utility, as necessary to pay the expenses of a preliminary investigation, surveys, plans, specifications, and appraisals, including engineering and legal expenses in constructing or acquiring the utility. Any action by the municipal legislative body in making an appropriation is final and not subject to review by the department of local government finance.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.90-2002, SEC.313.

IC 8-1.5-2-9

Appropriation for preliminary expenses; repayment

Sec. 9. If the municipal legislative body proceeds to construct or acquire the utility, there must be included in the total amount of money to be raised by the issuance of bonds in connection with the construction or acquisition of the utility the amount of the expenditures that will be repaid to the general fund of the municipality from the money derived from the issuance and sale of the bonds.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-10

Ordinance declaring public convenience and necessity; notice and hearing

Sec. 10. (a) Before a municipal legislative body adopts an ordinance declaring that public convenience and necessity require the construction or acquisition of a utility as provided by section 7 of this chapter, each public utility furnishing a similar utility service in the municipality, or in the contiguous territory in which the municipality proposes to operate, shall be given ten (10) days notice by the legislative body of the time and place where the hearing will be held. At the hearing, the public utility is entitled to be heard in person or by counsel in opposition to the proposed action.

(b) Notice must be served by delivering a copy to an officer or manager of the public utility in the municipality, if possible, or to an officer of the public utility elsewhere in Indiana.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-11

Ordinance for construction or acquisition; judicial review

Sec. 11. (a) If the municipal legislative body adopts an ordinance for the construction or acquisition of a utility, not more than thirty (30) days after the adoption of the ordinance a public utility engaged in rendering the same kind of utility service in the municipality, or in the contiguous area in which the municipality proposes to operate, may bring an action against the municipality in the circuit court or superior court of the county in which the municipality is located for the purpose of securing a judicial review and determination of the question of public convenience and necessity.

(b) Pending such a determination, further action may not be taken by the municipality for the construction or acquisition of the utility.

(c) The cause shall be heard without delay and determined by the court without a jury, and at the hearing, either party may introduce evidence.

(d) The cause may be appealed to the court of appeals following determination.

As added by Acts 1982, P.L. 74, SEC. 1.

IC 8-1.5-2-12

Sale of heat, light, water, or power to municipality

Sec. 12. (a) Upon the approval by resolution of the municipal legislative body, a municipally owned utility may sell or furnish heat, light, water, or power to the municipality to be used exclusively for the furnishing of utility service to the municipality for its own municipal purposes.

(b) This section is not intended to permit the sale or furnishing of power to the municipality where the sale would affect the obligation of any contract or franchise.

As added by Acts 1982, P.L. 74, SEC. 1.

IC 8-1.5-2-13

Contracts for acquisition, construction, or replacement of public utility property; authorizing ordinance

Sec. 13. A contract made by the municipal legislative body for the acquisition, construction, extension, or replacement of the property of a public utility must be authorized by ordinance. The ordinance must provide for the principal and interest of bonds issued for the payment of the cost of the acquisition, construction, extension, or replacement to be paid exclusively from the income and revenue of the property acquired with the proceeds of the bonds.

As added by Acts 1982, P.L. 74, SEC. 1.

IC 8-1.5-2-14

Costs of construction or acquisition; security for payment

Sec. 14. A municipality that constructs or acquires a utility may, through its municipal legislative body, provide for and secure the payment of the cost of constructing, acquiring, extending, or improving the utility by assigning or otherwise pledging the property acquired, together with the net earnings or profits derived or to be derived from the operation of the utility or utilities. Contracts, warrants, debentures,

or pledges of future revenues entered into by a municipally owned utility are not an indebtedness of the municipality within the meaning of any constitutional debt limitation.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-15

Condemnation; authorization

Sec. 15. (a) If the municipality and the owners of a public utility are unable to agree upon a price to be paid for the property of the public utility, the municipality may:

- (1) by ordinance declare that a public necessity exists for the condemnation of the utility property; and
- (2) bring an action in the circuit or superior court of the county where the municipality is located against the utility for the condemnation of the property.

(b) An ordinance adopted under subsection (a) is final.

(c) For the purpose of acquiring the property of a public utility, the municipality:

- (1) may exercise the power of eminent domain in accordance with IC 32-24; and
- (2) is required only to establish the necessity of taking as this chapter requires.

(d) The provisions of this section do not apply to the acquisition of electric utility property or the assignment of service areas covered by IC 8-1-2.3 and IC 8-1-2-95.1.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.2-2002, SEC.38.

IC 8-1.5-2-16

Adoption of ordinance for construction, acquisition, or condemnation; restriction; submission to voters

Sec. 16. (a) A municipal legislative body may not adopt an ordinance:

- (1) under section 7 of this chapter for the purpose of constructing or acquiring a utility, if a utility of the same character is already operating in the municipality; or
- (2) under section 15 of this chapter for the purpose of condemning the property of a public utility;

without first submitting the question of the construction, acquisition, or condemnation to the voters of the municipality at a special or general election.

(b) In submitting the question to the voters of the municipality under section 16 of this chapter, the municipal legislative body shall certify the question under IC 3-10-9-3 to the county election board of the county containing the greatest percentage of population of the municipality. The county election board shall adopt a resolution setting forth the text of the public question and shall conduct an election on the question at a date specified by the municipal legislative body.

(c) If a majority of the voters voting on the question vote for the proposal, the municipal legislative body may adopt the ordinance.

(d) If a majority of the voters voting on the question vote against the

proposal, the municipal legislative body may not adopt the ordinance, and an election may not be held for the same purpose for a period of two (2) years from the date of the original election.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.3-1997, SEC.426; P.L.2-1998, SEC.35.

IC 8-1.5-2-17

Acquisition of property rights inside or outside boundaries; utility lines; protection of services from injury or pollution; attachments from abuse, destruction, or waste

Sec. 17. (a) A municipality, by exercising the power of eminent domain in accordance with IC 32-24 or other applicable law, may acquire property rights inside or outside its corporate boundaries as necessary for the business of a municipally owned utility.

(b) The municipal legislative body may provide for utility lines to be laid through the municipality as the municipally owned utility requires. The municipality may use any property or property rights necessary for constructing, acquiring, operating, or protecting from injury or pollution the municipally owned utility services.

(c) For the purpose of preserving and protecting from injury or pollution the municipal water services, the municipality may exercise its powers in areas within twenty-five (25) miles outside its corporate boundaries.

(d) All attachments made to the utility fixtures, whether intended for public or private use, are subject to the supervision and rules of the utility for protection against abuse or destruction or the inordinate use or waste of utility services.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.2-2002, SEC.39.

IC 8-1.5-2-18

Bonds; payable out of special account; issuance

Sec. 18. (a) To provide money to pay for the construction or acquisition of a utility under this chapter, or its extension, improvement, or replacement in whole or in part, or its repair, the municipal legislative body may issue and sell bonds bearing interest at any rate, executed and payable at times not to exceed forty (40) years from the date of issuance, and at places as the legislative body determines. The bonds and interest on them are payable only out of a special account, and the bonds do not constitute an indebtedness of the municipality within the meaning of the constitutional limitations.

(b) Each bond must state plainly upon its face:

- (1) that it is payable only from a special account;
- (2) the account and the ordinance creating it; and
- (3) that it does not constitute an indebtedness of the municipality within the meaning of any constitutional debt limitation.

(c) The bonds shall be sold in accordance with IC 5-1-11.

(d) This section provides an alternative method of financing for all municipalities, notwithstanding any other law.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-19

Bonds, notes, or other obligations; issuance; approval by commission

Sec. 19. (a) A municipality may not issue bonds, notes, or other obligations under this chapter without the approval of the commission, except as authorized by IC 8-1-2.2-11.

(b) If the evidence presented to the commission establishes that the rates and charges proposed by the municipally owned utility will provide sufficient funds for the operation, maintenance, and depreciation of the utility, and to pay the principal and interest of the proposed bond issue, together with a surplus or margin of at least ten percent (10%) in excess, the commission shall so certify in its order approving the issuance of bonds.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-19.5

Purchase of equipment requiring lead time before availability; approval of contracts

Sec. 19.5. If a municipality desires to purchase and install equipment for its utility which requires more than three (3) months lead time for the supplier to make such equipment and installation available, the legislative body may, by ordinance, approve a contract therefor even though it does not have sufficient funds appropriated or on hand to pay for such purchase if the utility:

(1) has annual net operating revenues for the immediately preceding calendar year sufficient to permit the municipality:

(A) to pay the principal of and interest on an issue of its utility revenue bonds in the principal amount necessary to fund such purchase (including engineering costs, legal costs, and costs of bond issuance associated therewith); and

(B) a margin of safety which it deems necessary to market such bonds on acceptable terms;

(2) has received approval from the commission to issue bonds, notes, or other obligations sufficient to fund such purchase; or

(3) has received approval from the commission to raise its rates and charges in an amount sufficient to permit the issuance of said bonds.

As added by P.L.105-1983, SEC.1.

IC 8-1.5-2-20

Bonds; payment from revenues not derived from particular utility; restriction

Sec. 20. Except as provided by section 22 of this chapter, the municipal legislative body may not adopt an ordinance, or enter into or ratify a contract, for the payment, directly or indirectly, of a bond or bonds by revenues derived by the municipality from the levy of taxes, from the issuance of any bonds other than from the issuance of bonds specifically authorized by this chapter or by a refunding statute, or from any source except the revenues derived from that particular utility.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-21

Bonds payable out of special account; purchase by municipality

Sec. 21. A municipality may invest its own money in the bonds issued under section 18 of this chapter.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-22

General obligation bonds; authorization; limitation

Sec. 22. (a) If the municipal legislative body decides that it is impracticable to raise the entire amount necessary to construct or acquire the utility solely by the issuance and sale of revenue bonds, the legislative body may, by ordinance, provide that a part of the amount may be raised by the issuance and sale of bonds pledging the general credit of the municipality.

(b) The bonds shall be issued in accordance with IC 6-1.1-20. The bonds may not exceed one-third (1/3) of the total cost of the utility. This limitation does not apply to a utility to be owned and operated by a municipality exclusively for the purpose of furnishing utility service to the municipality for its own municipal purposes.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-23

General obligation bonds; terms; sale

Sec. 23. If general obligation bonds are issued, they:

- (1) may be issued in any denomination;
- (2) are payable at a time not to exceed forty (40) years from issuance;
- (3) may bear interest at any rate payable semiannually; and
- (4) shall be sold for not less than par value and accrued interest; as provided by ordinance. The bonds shall be sold in accordance with IC 5-1-11.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-24

Revenue bonds; money set aside for payment of interest and principal

Sec. 24. (a) The board of a municipally owned utility, as defined by IC 8-1.5-3-2, shall, at least semiannually, set aside from the net earnings a sufficient amount to pay the interest and principal, as they become due, on revenue bonds issued in payment for the utility or for its improvement. This money may not be used for any other purpose.

(b) The commission shall approve the amount set aside for the payment of the interest and principal when the commission approves the rates and charges of the municipality.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-25

Special utility account; establishment by municipality; use

Sec. 25. (a) The municipal legislative body, after providing for the:

- (1) payment of operation and maintenance expenses of the utility;

- (2) payment of the interest and principal on revenue bonds and creation of reserves for them;
 - (3) payment of the interest and principal on general obligation bonds and creation of reserves for them; and
 - (4) payment of assessed taxes;
- shall set aside a sufficient remainder of the earnings into a separate and special account to be identified as the special utility account, to be used and applied in the extension, replacement in whole or in part, repair, and operation and maintenance of the utility.
- (b) The remaining earnings may be applied to:
 - (1) the general fund of the municipality in accordance with IC 8-1.5-3-11, outstanding bond ordinances, and contract provisions under IC 8-1-2.2;
 - (2) the payment of the interest on a loan made for utility construction; or
 - (3) the creation of a sinking fund for the liquidation of the debt; as the legislative body determines.
- As added by Acts 1982, P.L.74, SEC.1.*

IC 8-1.5-2-26

Tax levy for payment of bonds

- Sec. 26. (a) To pay the principal and interest on bonds issued for the construction, acquisition, extension, or improvement of a municipally owned utility, the municipal legislative body may levy an annual tax of sufficient amount on all taxable property of the municipality.
- (b) If the legislative body:
 - (1) has contracted with a person for supplying utility services or has agreed to lease or purchase utility services; and
 - (2) has, in the contract, agreed to pay a stated rental, a stipulated purchase price, or other compensation to the person, or has issued bonds to pay for stock in the company or to purchase the plant;it may levy an annual tax for payment of the rent or other consideration or purchase price to be paid for utility services, or for the purchase price of a plant, and to pay the principal and interest on the bonds.
 - (c) The tax under this section shall be levied and collected as other municipal taxes are levied and collected, and the proceeds shall be used only for the purpose for which the tax was levied.
- As added by Acts 1982, P.L.74, SEC.1.*

IC 8-1.5-2-27

Lease of waterworks facilities; term; option to purchase or renew; transfer of property to municipality

- Sec. 27. (a) A municipality may lease waterworks facilities from a not-for-profit corporation, a public utility, a county, or a municipality. The term of the lease may not exceed fifty (50) years. The lease must provide that the municipality has an option to:
- (1) renew the lease for a further term on like conditions; and
 - (2) purchase the waterworks facilities covered by the lease contract with the terms and conditions of the purchase specified in the lease.
- (b) If the option to purchase the waterworks facilities covered by the

lease is exercised, the municipality, for the purpose of procuring money to pay the purchase price, may issue and sell revenue bonds under other laws governing the issuance and sale of waterworks revenue bonds for additions and extensions to municipal waterworks.

(c) If the municipality has not exercised an option to purchase the property covered by the lease at the expiration of the lease, and upon the full discharge and performance by the municipality of its obligations under the lease contract, the property covered by the lease thereupon becomes the absolute property of the municipality, and the lessor shall execute proper instruments conveying to the municipality good and merchantable title thereto.

(d) A waterworks facility leased under this section is subject to IC 5-16-7.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.35-1990, SEC.26.

IC 8-1.5-2-28

Lease of waterworks facilities; payment of operating expenses; sufficiency of rates and charges

Sec. 28. (a) A waterworks lease may provide that as a part of the lease rental for the waterworks facilities the lessee agrees to:

- (1) pay all property taxes and assessments levied against or on account of the leased facilities;
- (2) maintain insurance on the leased facilities for the benefit of the lessor; and
- (3) assume all responsibilities for the operation, maintenance, repair, alterations, and additions of the leased facilities.

(b) All of the expenses incurred under subsection (a) and the lease rental are payable solely from the revenues derived from water rates and charges to be collected by the lessee from property and users in the area served by the leased facilities.

(c) The lessee may establish, fix, bill, and collect rates and charges with respect to the property and users in the area served by the leased facilities that are sufficient:

- (1) to pay the costs of operation, maintenance, repair, alterations, depreciation, and additions of the leased facilities; and
- (2) to pay the lease rental as it becomes due.

Rates and charges too low to meet these requirements are unlawful. These rates and charges are subject to approval in accordance with IC 8-1.5-3-8.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-29

Lease of waterworks facilities, notice, and hearing

Sec. 29. (a) When the municipality and the lessor have agreed upon the terms and conditions of any waterworks lease proposed to be entered into under this chapter and before the final execution of the lease, a notice shall be given by publication in accordance with IC 5-3-1 to all persons interested, of a hearing to be held before the municipal legislative body, which hearing must be on a day not earlier than twenty (20) days after publication of the notice.

- (b) The notice must:
- (1) name the day, place, and hour of the hearing; and
 - (2) set forth a brief summary of the principal terms agreed upon, including:
 - (A) the name of the lessor;
 - (B) the character of the property to be leased;
 - (C) the lease rental to be paid; and
 - (D) the number of years the lease is to be in effect.

(c) The proposed lease must be available for inspection by the public during the twenty (20) day period and at the hearing.

(d) All persons interested are entitled to be heard, at the time fixed, upon the necessity for the execution of the lease and whether the rental to be paid to the proposed lessor is a fair and reasonable rental for the waterworks facilities. The hearing may be adjourned to a later date or dates.

As added by Acts 1982, P.L.74, SEC.1. Amended by P.L.35-1990, SEC.27.

IC 8-1.5-2-30

Lease of waterworks facilities; execution; limitation of actions

Sec. 30. (a) After the hearing under section 29 of this chapter, the municipal legislative body may:

- (1) authorize the execution of the waterworks lease as originally agreed upon; or
- (2) make modifications as may be agreed upon with the proposed lessor;

but the lease rental as set out in the published notice may not be increased without a new notice and hearing.

(b) If the execution of the lease as originally agreed upon, or as modified by agreement, is authorized by the legislative body, a notice of the signing of the contract of lease shall be given by publication in accordance with IC 5-3-1.

(c) An action to:

- (1) contest the validity of the lease; or
- (2) enjoin the performance of any of the terms and conditions of the lease;

must be brought not later than thirty (30) days after publication of the notice of execution of the lease.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-31

Leased waterworks facilities; tax exemptions

Sec. 31. All waterworks facilities leased by a lessor contracting with a municipality under this chapter are exempt from all state, county, and other taxes. However, the rental paid to a lessor under the terms of such a lease is subject to all applicable taxes.

As added by Acts 1982, P.L.74, SEC.1.

IC 8-1.5-2-32

Leased waterworks facilities; applicable statutes

Sec. 32. As to waterworks facilities leased and acquired under this

chapter, it is not necessary to comply with any other statutes concerning the leasing and acquisition of waterworks facilities by municipalities except as specifically required by this chapter.

As added by Acts 1982, P.L.74, SEC.1.